

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HITACHI MEDICAL SYSTEMS
AMERICA, INC.,

Plaintiff,

v.

DAVID BRANCH, et al.,

Defendants.

) Case No. 5:09cv1575
)
)
) JUDGE BENITA Y. PEARSON
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)
) Magistrate Judge George J. Limbert
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) **Interim Report and Recommendation**
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)

The instant case is before the Court on Plaintiff Hitachi Medical Systems America, Inc.'s ("Plaintiff") request for entry of judgment as to Defendant Daniel Branch filed on April 8, 2011. ECF Dkt. #298. This case was referred to the undersigned for general pre-trial supervision. ECF Dkt. #68. The undersigned issues the following Report and Recommendation for Judge Pearson's review, with an ultimate recommendation that the Court issue a judgment entry in favor of Plaintiff and against Defendant Daniel Branch.

On April 5, 2011, Judge Pearson issued a Memorandum Opinion and Order entering default judgment in favor of Plaintiff and against Defendant, Daniel Branch on the fraudulent transfer claims asserted in the complaint. The Memorandum Opinion and Order reads, in pertinent part:

Judgment is hereby rendered in favor of Plaintiff Hitachi Medical Systems America, Inc. against Defendant Daniel Branch, pursuant to Fed. R. Civ. P. 37(b)(2)(A)(vi), in the amount of Three Million Two Hundred Eighty-six Thousand One Hundred Fifty-nine and 51/100 Dollars (\$3,286,159.51). The judgment is one for fraudulent transfer with the intent to hinder, delay, and defraud creditors including Plaintiff. See 11 U.S.C. § 548(a)(1)(A). The judgment also permits Plaintiff to pierce the corporate veil holding Defendant Daniel Branch individually liable. This case will be set for a default judgment hearing to determine the amount of punitive damages, interest, and attorney's fees at the convenience of the Court.

ECF Dkt. #295.

On April 8, 2011, Plaintiff filed the request for entry of judgment pursuant to Fed. R. Civ. P. 54(b) and 58(d). On April 22, 2011, Plaintiff sent correspondence to the Chambers of Judge Pearson and Magistrate Judge Limbert, requesting issuance of the judgment entry, with a proposed judgment entry attached to the correspondence. The letter was docketed the same day. ECF Dkt. #311.

Having reviewed the proposed judgment entry, this Court finds that it parrots the language of the Memorandum Opinion and Order, and, as a consequence, this Court recommends that Judge Pearson issue the judgment entry.

Date: April 25, 2011

/s/ George J. Limbert
GEORGE J. LIMBERT
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of service of this notice. Fed. R. Civ. P. 72; L.R. 72.3. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).